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For Sale: Analysis of exclusion of people from land in Melanesia and directions forward.

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Workshop Report

Matthew Allen, Siobhan McDonnell and Colin Filer

A two-day “publication workshop” was convened by SSGM/ANU and Oxfam Australia as part of the Australian Association for Pacific Studies (AAPS) biennial conference held at Sydney University. The workshop brought together policymakers, academics, NGOs and activists with a shared interest in contemporary land issues in post-colonial Melanesia. It was chaired by Mr Ralph Regenvanu, Vanuatu Minister for Lands and Natural Resources, and involved a number of other distinguished guest participants including Mr Charles Lepani, High Commissioner for Papua New Guinea, Dr James Weiner (ANU) and professors George Curry (Curtin University), John Connell (University of Sydney) and Margaret Jolly (ANU).

Highlights

- The eleven papers and one interview that were presented at the workshop were empirically and theoretically rich, and, though diverse in terms of topics and approaches, there were a number of theoretical and thematic threads that wove them together into an intellectually coherent set (see below).
- Collectively the papers presented provide a unique set of perspectives on land issues in Melanesia, including from Melanesian researchers and a significant number of women researchers. Many of the authors had not previously written about land and offered their unique ‘voices’ as part of the larger international debate.
- Some of the empirics that were presented were especially striking, for example that the region’s urban settlements are growing at an average rate of 7 per cent per annum and that 12 per cent of PNG’s land area has come under Special Agricultural and Business Leases (SABLs) since 1995.
- The stories told of the recent “ministerial land grab” in Vanuatu, PNG’s SABL saga, and the contemporary political economy of land allocation in Honiara were particularly sobering. However, these were tempered by more positive stories, for example, the recent passage of a major land reform programme in Vanuatu, that gave cause for optimism.

- The diverse array of actors that animated these stories was also striking: from the cleaners and drivers in the Vanuatu Lands Department who had been gifted land titles by the previous Minister, to shady “Asian businessmen” and globalised oil palm corporations.
- Collectively the workshop participants were challenged, by Minister Regenvanu and other participants from the region, to ensure that the research findings are communicated effectively and made available to those who have the most potential to be empowered by them. Charles Lepani also pointed to the importance of developing collaborative research partnerships between foreign researchers and Pacific Islander researchers and policy-makers.
- One highlight of the first day was Charles Lepani’s reading aloud of a text message from the Prime Minister of PNG, Peter O’Neill, which announced publically for the first time that SABL’s “that have been abused for forestry” will be cancelled or suspended and that cabinet approval will be required for leases over “large parcels of land” (reported by Radio Australia [here](#)).

Following on from a successful panel on land held at the 2013 State of the Pacific conference at the ANU, the primary purpose of the workshop was to present and discuss research-based papers with a view to producing a cutting-edge edited volume that will be of interest to both scholarly and policy audiences. With this objective in mind, the first day of the workshop, which was an open session of the AAPS conference, consisted of a series of presentations under three thematic headings: urban land; the political economy of land grabs; and landownership, gender, power and authority. Each group of papers was followed by comments from at least one expert discussant and comments and questions from the audience.

The proceedings of the first day were video recorded and podcasts and selected vodcasts of the presentations will be made available on the SSGM website. The first day was also covered by Radio Australia reporter Jemima Garrett, who subsequently produced and broadcast two reports ([here](#) and [here](#)) on the PNG Commission of Inquiry (COI) into Special Agricultural and Business Leases (SABLs), as well as an interview with Sarah McCartney about the pressing realities of urbanisation. The first day was very well attended with approximately 60-70 people in the audience throughout the day

Emerging themes and cross-cutting issues

The authors of the eleven papers that were presented were asked by the workshop convenors to address a series of questions derived from an influential book about land in the

Southeast Asia context titled *Powers of Exclusion* (Hall et al. 2011). In this work exclusion is defined as the opposite of access rather than the opposite of inclusion, and, in doing so, the authors distinguish their analysis from previous studies that have been organised around concepts such as enclosure, primitive accumulation and accumulation by dispossession. Hall et al. highlight four “powers of exclusion – regulation, the market, force and legitimation – and in discussing each they are attentive to the full range of actors involved and to questions of scale, power and identity. Running throughout their analysis is an explicit recognition that all types of land use and tenurial arrangements involve some denial of access, or, in other words, the creation of winners and losers. This is described as “exclusion’s double edge” and is linked to Karl Polanyi’s notion of “countermovement”: the exercise of powers of exclusion is frequently met with resistance from loose coalitions of actors with diverse motives and agendas.

Collectively the papers presented at the workshop pointed to both strengths and limitations of the Hall et al. framework when applied to empirical data from Melanesia. That said, most of the authors and presenters found it to provide a useful heuristic for their analysis and it was agreed during the second day’s discussions that it should be retained as a theoretical point of departure for the edited volume.

On a global scale, many of the workshop papers spoke to the continued expansion of global capital and the constant reordering and reconfiguring of political and economic space – described by some as de- and re-territorialisation (e.g. Brenner 1999) – that it entails. Just as globalisation breaks down some territorial boundaries, such as those associated with the traditional nation-state, it creates new ones: new enclaves, new frontiers, new spaces for production, exploitation, dispossession and accumulation. In the Western Pacific this has been experienced as “compressed globalisation” (Hviding 2003): seen on a macro-historical timescale, the very recent and rapid entanglement of Melanesian “communities” with an array of globalised projects, not least of which is capitalism. The workshop heard of a number of capitalism’s new spaces in contemporary Melanesia including real estate markets, tax havens, special economic zones, commercial logging operations and industrial oil palm complexes.

However, a number of the papers reminded us that capitalism is not monolithic. The workshop heard about a variegated capitalism; a diversity of corporate actors with very different approaches to what we might broadly identify as Corporate Social Responsibility (CSR) – from “fly by night” Malaysian logging companies to some of the world’s largest extractive resource companies. Even within a single industry, oil palm, individual companies

pursue vastly differing approaches to the industry's global flag ship CSR program, the Roundtable on Sustainable Palm Oil.

Moving to the scale of the nation-state, a number of the papers demonstrated the extent to which governance is best seen as the everyday practice of power relations rather than the outcome of formal rules or institutions. Bringing to mind Foucault's work on governmentality, this was most stark in the extraordinary story of the ministerial land grab in Vanuatu and the equally sobering tale of PNG's SABL saga, not to mention the case of logging in Solomon Islands and the means by which state-owned land is being acquired in Honiara (discussed in the paper by Joseph Foukona). In all of these cases the rule of law has to varying extents been abrogated as powerful political and economic actors, including public servants, seek to benefit from land deals. Moreover, in each case the market has been manipulated or usurped in various ways, for example through undervaluing, bribery, concessions and gifting. Siobhan McDonnell's paper on the ministerial land grab in Vanuatu described this abrogation of both the law and the market in terms of the emergence of a "new norm of legality" and asked what sort of civic, public or political culture ("habitus" also comes to mind) enables or gives rise to these sorts of norms of legality?

Remaining with the space of the nation, a number of the papers highlighted the tight imbrication of land, natural resources, and wider processes of state formation. This brought to mind Michael Watts' work on Nigeria (e.g. Watts 2004) in which he demonstrates the extent to which "Nigeria" and the oil industry are co-constituted: one cannot be understood without reference to the other. In this vein, Rebecca Monson's paper, which draws upon the work of Christian Lund in African contexts (e.g. Lund 2011), demonstrated that contemporary struggles over land in Solomon Islands are absolutely central to processes of state formation. Her research shows that disputes over land and natural resources are fundamentally gendered, and, through their entanglements with the state legal system, the gender inequalities that attend land disputation are reproduced in formal state institutions.

There is clearly a scaling-up at play here that was evident across a number of the papers and is also a feature of the Hall et al. framework. One salient dimension of scale as it applies to access to land, initially highlighted in the paper by Sarah Mecartney, is the growing tension between appeals to citizenship on the one hand, and kastom land ownership and "indigenous" rights on the other. This tension maps onto the mobilisation of different sources of legitimacy and identity at different scales – the nation-state, the island/region and the local – and was a feature of a number of the presentations, especially those that examined how settlers gain access to land in contexts both urban (Michelle Rooney's paper) and rural (the paper by George Curry et al.). Rooney's case study of a settlement in Port Moresby

demonstrated how the strategies of settlers for accessing land have shifted over time, from an initial prioritisation of social and economic relations with landowners to a subsequent appeal to the legitimacy of the state and the settlers' identity as taxpayers and citizens.

Another important dimension of scale that was addressed in a number of the papers concerns the long-standing tension in Melanesian discourses of development between "large-scale" and "small-scale" visions for development. This tension was especially apparent in Colin Filer's interview with John Numapo, who led the recent COI into SABLs. Perhaps the most vexed question to emerge from the COI is how customary land can be "mobilised" for large-scale development initiatives for the benefit of the nation in ways that respect customary tenure and local visions for development.

As mentioned above, Hall et al. engage with Polanyi's notion of countermovement which, as discussed below, came out strongly in a number of the papers. However, it was also apparent that another of Polanyi's theoretical insights, the concept of the "always embedded economy", is of significant analytic value in understanding the ways in which access to land is obtained and maintained in contemporary Melanesia (Polanyi 1944). A number of papers, including those by Michelle Rooney and George Curry et al. demonstrated how social relations – produced and reproduced through the practices of exchange that underpin Melanesian sociality – can facilitate and perpetuate access to land, especially in settler contexts. It seems that these social relationships of exchange are at least, if not more, important than formal, market-based exchanges of rights to land.

The salience of the social dimension of the land economy – described in the paper by Curry et al. as a relational economy – led a number of presenters to propose an analytical focus on "intimate inclusions" in contradistinction to Hall et al.'s notion of "intimate exclusions". Indeed, the historical analysis presented by Rachel Smith reminded us that Melanesia's myriad systems of customary land tenure frequently evolved as flexible mechanisms for bringing outsiders and strangers – for example victims of warfare or natural disasters – into the landowning group and providing them with access to land.

That said, social relations also came into the frame in a number of papers, for example Victoria Stead's, that considered the "intimate exclusions" that can often attend localised contestations around land and natural resources. It has become axiomatic that groups and individuals will use and manipulate whatever institutions – formal, informal, hybrid – are available to them in order to access and maximise the benefits associated with commodification and extractive resource industries. This political economy, encapsulated in Colin Filer's (1997) notion of the "ideology of customary landownership", is driving the ever

increasing fragmentation of landowning groups and the proliferation of formal structures, such as Incorporated Land Groups, that represent them.

In manipulating the institutions that ensnare customary land, social networks are often cut, denied, hidden or re-assessed. It is invariably senior men – many of whom could be characterised as masters of both tradition and modernity (McDonnell 2013) – who are the winners in these contests, again highlighting the salient gendered and intergenerational dimensions of conflicts over land and natural resources. The manipulation of the social relations of land can take on potent identity dimensions when insiders are recast as outsiders on the basis of ethnicity. It is in this context that identities can become polarised in an oppositional binary of landowners/indigenous people versus settlers/nation-builders, with significant potential for violence as demonstrated by the events of the so-called “ethnic tension” in Solomon Islands (Allen 2012). The fragmentation and disputation that occurs within customary landowning groups also reminds us that “community” cannot be taken as an undifferentiated category in opposition to the state or foreign investors, a point that was made in the presentation by Anna Naupa who also highlighted the importance of engaging women in the land reform process.

Returning to Polanyi’s idea of the countermovement, the workshop papers and presentations clearly demonstrated that the application of powers of exclusion to land in Melanesia has not been unopposed. The papers were replete with examples of push-back and resistance, sometimes involving unexpected coalitions of actors and interests. Rachel Smith’s paper reminded us how missionaries joined with kastom leaders in resisting the appropriation of land by French planters during the early colonial period on Epi and elsewhere in Vanuatu. Colin Filer described the even more unlikely alliance that uncovered the SABL controversy in PNG and subsequently agitated for an official inquiry. In that case, NGOs, academics and activists aligned with the nation’s largest oil palm producer, New Britain Palm Oil Ltd, whose RSPO accreditation is threatened by the prospect of less socially enlightened operators establishing oil palm ventures in PNG.

Perhaps the most encouraging story of countermovement is the emergence of the Graon mo Jastis political party in Vanuatu under the leadership of Ralph Regevanu, and, under his guidance as Minister for Land and Natural Resources, the recent reform to the Vanuatu land law designed to address various dimensions of the land sales and speculation that have been taking place in Vanuatu over the past 15 years or so. One wonders whether the success of the Graon mo Jastis party could be interpreted as a broad-based expression of a Polanyian countermovement, reminding us that contestation has the potential to give rise to institutions – in this case a parliamentary political party – that enjoy both legitimacy and

durability and have the potential to become containers for the peaceful expression and management of conflict?

Future directions

The second day of the workshop consisted of a closed session involving authors/presenters, the workshop convenors, and collaborators from Oxfam Australia. Four agenda items were addressed. First was the question of how best the research and analysis presented and discussed on the first day could be disseminated to various audiences and stakeholders. Second was a discussion around the theoretical and conceptual framing of the proposed edited volume. Third was discussion of how best to progress the partnership with Oxfam Australian. Fourth was feedback and comments on each of the papers presented on the first day, all of which had been circulated in advance, from the workshop convenors and other participants. Taking up Ralph Regevanu's challenge to disseminate the research findings as widely as possible, a multi-pronged dissemination strategy was discussed which will have as its core product an electronic book with ANU Press the preferred publisher.

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